THE HON'BLE SMT JUSTICE T.MEENA KUMARI

&

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO :8359 of 2006

Dated: 28.4.2006

Between:

Munga Ammulu, W/o Munga Nagaraju.

..... PETITIONER

AND

The Superintendent of Police,

Prakasam District at Ongole.

.....RESPONDENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

&

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO :8359 of 2006

ORDER: (Per the Honourable Smt.Justice T.Meenakumari)

This is a taken up case on the Telegram dated 19.4.2006 sent by the petitioner seeking a direction, in the nature of writ of Habeas Corpus, to the respondents to produce her husband viz., Munga Nagaraju, who was forcibly taken away by the Police personnel of Ongole Range Squad on 19.4.2006 at 6.30 A.M., and set him at liberty.

The respondent filed the counter-affidavit denying the allegations in the Telegram. It is contended in the counter-affidavit that the alleged detenu along with two others was apprehended under suspicious circumstances and in the presence of mediators, they confessed that they are habitual offenders and came to Korisapadu with a view to commit some property offences and that a small crow bar, which can be used for house breaking was seized from the possession of the alleged detenu under the cover of mediators' report. Basing on the mediators' report, a case in Crime No.12 of 2006 under sections 41 (1) (2) and Section 151 Cr.P.C. was registered and the alleged detenu was produced before the learned Mandal Executive Magistrate, Korisapadu Mandal and the learned Magistrate released him on execution of a personal bond of Rs.10,000/-. It is further contended that the alleged detenu is a rowdy sheeter and he is involved in many crimes.

It is submitted across the Bar by the learned Government Pleader for Home that under suspicious circumstances, the alleged detenu was arrested and produced before the Mandal Executive Magistrate and the learned Magistrate released him on execution of a personal bond and therefore, the question of alleged detention does not arise.

In view of the submission made by the learned G.P. for home and in view of the averments made in the counter-affidavit, We are of the view that no further orders are necessary in this writ petition.

In the result, this writ petition is dismissed. No costs.

(T.MEENAKUMARI, J)

28th April, 2006

(K.C.BHANU, J)

GURC